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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,924	09/24/2003	Andrew S. Poulsen	10021064-1	8482

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER
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MOUTAOUAKIL, MOUNIR

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/671,924	<b>Applicant(s)</b> POULSEN, ANDREW S.	
	<b>Examiner</b> Mounir Moutaouakil	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/24/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

1. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the combination and separation of voice and instrument data must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Claim Rejections - 35 USC § 112**

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant discloses a method of interfacing multiple elements, network interface module, voice module and an electronic instrument. However, in the specification, the applicant does not disclose how these elements interact with each other or how the voice data and instrument data are multiplexed, when transmitted, and demultiplexed, when received. The claims are very vague. For instance, it is not explained what type of data is instrument data, what is the electronic instrument. The examiner could find nowhere in the specification to show how the data and voice are multiplexed, combined, and demultiplexed.

The examiner respectfully requests the applicant to show in the specification (page and line) how the voice and data are multiplexed and demultiplexed, what is the electronic instrument, how do the elements disclosed interact with each other.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2~~4~~ are rejected under 35 U.S.C. 102(e) as being anticipated by Danieli et al (US 6,935,959). Hereinafter referred to as Danieli.

Regarding claim 1. Danieli discloses an instrument system (see figure 1, box 100). The instrument system comprises an electronic instrument (see figure 1, box 104 a and b); and a network interface module (see figure 1, box 102), wherein the network interface module and the electronic instrument interchange instrument data via a first connector (see figure 1, element 130), wherein the network interface module and a voice module interchange voice data via a second connector (see figure 1, elements 142, 140), wherein the voice data is in the form of an electronic signal (inherently, voice will have to be presented as a signal), wherein the network interface module and a network interchange combined voice and instrument data via a third connector (see figure 1, element 124), and wherein the network interface module effects transposition between combined voice and instrument data and separated instrument data and voice data (see column 3, lines 59-67, the players play and talk to each other through a

network. Inherently, the consol has to transmit both voice and player's moves data and receive the other player's moves and voice data).

Regarding claim 2. Danieli discloses an instrument system where the interchange of instrument data between the network interface module and the electronic instrument comprises the reception of instrument data from the electronic instrument by the network interface module (it is inherent that the network interface would receive data from the electronic instrument to transmit it through the network and display it on the screen).

Regarding claim 3. Danieli discloses an instrument system where interchange of instrument data between the network interface module and the electronic instrument comprises the transmission of instrument data from the network interface module to the electronic instrument (see column 3, lines 59-67. multiple payers are playing with each other from remote terminals. Inherently, the network interface module will have to transmit the data received through the network to display the other player's moves during the game).

Regarding claim 4. Danieli discloses an instrument where the interchange of voice data between the network interface module and the voice module comprises the reception of voice data from the voice module by the network interface module (it is inherent that the network interface would receive voice data from the voice module to transmit it through the network).

Regarding claim 5. Danieli discloses an instrument system where the voice module comprises a transducer, wherein the transducer transforms the human voice into electronic voice data (see column 4, lines 5-15. the system includes a microphone to transform human voice to electronic signal).

Regarding claim 6. Danieli discloses an instrument system where the interchange of voice data between the network interface module and the voice module comprises the transmission of voice data from the network interface module to the voice module (see column 3, line 59-67. it is inherent that voice is transmitted from the network interface to the voice module).

Regarding claim 7. Danieli discloses an instrument system where the voice module comprises a transducer, wherein the transducer transforms the human voice into electronic voice data (see column 4, lines 5-15. the system includes a microphone to transform human voice to electronic signal).

Regarding claim 8. Danieli discloses an instrument system where the interchange of combined voice and instrument data between the network interface module and the network comprises the reception of a data stream comprising combined instrument data and voice-over-IP data from the network by the network interface module and wherein the network interface module transposes the combined instrument data and voice-over-IP data into separated instrument data and voice data (see column 3, lines 59-67, the system is intended to communicate data and voice between players through the network to play a video game. Figure 1, element 124 is transfers voice and

data through an Ethernet connection to a network or the Internet, see column 7, line 4-16. Therefore, inherently, the system transmits and receives data and voice over IP).

Regarding claim 9. Danieli discloses an instrument system where the network interface module transposes separated instrument data and voice data into combined instrument and voice-over-IP data and wherein interchange of combined voice and instrument data between the network interface module and the network comprises the transmission of a data stream comprising the combined instrument and voice-over-IP data from the network interface module to the network (see column 3, lines 59-67, the system is intended to communicate data and voice between players through the network to play a video game. Figure 1, element 124 is transfers voice and data through an Ethernet connection to a network or the Internet, see column 7, line 4-16. Therefore, inherently, the system transmits and receives data and voice over IP).

Regarding claim 10. Danieli discloses an instrument system that comprises a voice module (see figure 1, element 142).

Regarding claim 11. Danieli discloses an instrument system where the voice module is physically attached to the electronic instrument (see figure 1, element 142, and 104).

Regarding claim 12. Danieli discloses an instrument system where the transducer is a speaker (see column 4, lines 5-16, the headphone, speaker, used is a transducer).



Regarding claim 13. Danieli discloses an instrument system where the voice module is a telephone (see figure 1, element 142. Telephone is an electronic equipment that converts sound into electrical signals that can be transmitted over distances and then converts received signals back into sounds, see column 1, lines 59-67).

Regarding claim 14. Danieli discloses an instrument system where the voice module comprises a handset, where the handset is used for communication with an operator (see column 1, lines 59-67. the operators or the players communicate with each other over a network using the communication devices employed).

Regarding claim 15. Danieli discloses an instrument system where the voice module comprises a headset, wherein the headset is used for communication with an operator (see column 1, lines 59-67. the operators or the players communicate with each other over a network using the communication devices employed. See figure 1, element 142).

Regarding claim 16. Danieli discloses an instrument system where the voice module comprises a speaker, w-heroin the speaker is used for communication with an operator (see column 1, lines 59-67. the operators or the players communicate with each other over a network using the communication devices employed. See figure 1, element 142, a headset includes speakers).

Regarding claim 17. Danieli discloses an instrument system where the network interface module is physically attached to the electronic instrument (see figure 1, element 102).

Regarding claim 18. Danieli discloses an instrument system where the network is a local area network (LAN) (see figure 1, element 124, and see column 7, lines 4-16. element 124 allows the computer to connect to network and internet; inherently, the system can connect to a LAN).

Regarding claim 19. Danieli discloses an instrument system where the network is the internet (see figure 1, element 124, and see column 7, lines 4-16. element 124 allows the computer to connect to network and internet).

Regarding claim 20. Danieli discloses an instrument system where the network is a Wide-Area-Network (see figure 1, element 124, and see column 7, lines 4-16. element 124 allows the computer to connect to network and internet or through a broadband connection; inherently, the system can connect to a WAN).

Regarding claim 21. Danieli discloses an instrument system where the system enables communication between the electronic instrument and a remote system (see column 3, lines 67. the player can communicate through a network. Inherently, PCs, remote systems, are communicating with each other).

Regarding claim 22. Danieli discloses an instrument system where the system enables communication between an operator located with the electronic instrument and another individual located remote from the operator's location (see column 3, lines 59-67. where players are using different terminals and communicating over a network).

Regarding claim 23. Danieli discloses an instrument system where diagnostic instrument data from the electronic instrument is transmitted to a remote data analysis

instrument (see column 3, lines 59-67. where players are using different terminals and communicating over a network. Inherently, in order to view the other players' moves during the game data have to be transmitted from one electronic instrument to another).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danieli.

Regarding claim 24 Danieli discloses all the limitations of the claims 1-21.

Danieli fails to disclose connecting to the network wirelessly. However, an official notice is taken that the person of ordinary skill in the art at the time of the invention will know how to modify the system to connect to the network wirelessly. The person of ordinary skill in the art will notice the need to connect to the network wirelessly to eliminate connection cabling, and enjoy portability and more flexibility.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mounir Moutaouakil whose telephone number is 571-


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270-1416. The examiner can normally be reached on Monday-Thursday (4pm-4: 30pm) eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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